Small Acts of Rebellion

By Jennifer Falloon

I saw Ann the other day. I was walking down Granville Street, and I could smell the sea, that wild pungent smell that always grabs me. It was raining lightly, the air damp as only Vancouver can be. I was on the side of the street where Hudson´s Bay Department Store still stands, amazingly, all six floors of it, and where I once stole a cheap hairbrush. Not because I didn’t have the money to pay for it, but because the salesgirls were yakking away, I was late and on my lunch hour, and I got tired of waiting. So I walked off with the brush. There is no excuse.

But back to Ann. She was sitting in the window of one of the few cafes still open. I knew immediately that it was her, although it was all a long time ago. She still wore her hair piled up on her head, although there was much less of it, and the black had softened into grey.

I was of a mind to go in and say Hello, but my raincoat was wet, and I had my umbrella and my bag and Christmas packages. And I would have had to put my mask on. She was with a younger man. A son? We never knew what happened to her afterwards, although Sandy heard she’d taken the Greyhound to Fort Lauderdale, where she had an aunt.

And what would I say? Would she even remember me? There seemed little point. But I stood there unnoticed, not ready to let her go. She had made a dent in my life.

They looked out of the window in my direction. A son, for sure. The same rectangular face and firm jaw, the pale skin, an elegance almost. She looked older, of course, a little ragged. I wondered if she still got those little flushed pink discs on her cheeks when she was agitated.

Mr. Biernes had hired Ann for her typing. Even by law office standards, where speeds of 90 or 100 wpm were common, she was amazing. Her long fingers, the nails painted a glossy blood red, would fly over the keys in a blaze of speed and accuracy. I used to picture her alone at night in her apartment – she lived in a lovely old building down on Beach Street that was torn down years ago and replaced with condominiums – touching up her nails as she watched the news in her pajamas.

The Law Offices of Arthur L. Biernes occupied a small suite on the 5th floor of an old building on Hastings, across from Pacific Plaza.Mr. Biernes must have been in his 40’s then. Confident and hardworking, he would arrive most days by 8, his face made ruddy in winter by the sharp morning air, wearing one of his “sincere suits,” as he called them, brown or grey and not terribly well cut, a silk tie, chosen by his wife, I’m sure, and polished Oxfords.

“He always looks so *smart*,” I whispered to Sandy, that first week.

“Doesn´t he?” She smiled knowingly, inserting a blank Subpoena into her machine. “We like to think that his wife shines his shoes every day for him. ´*Come here, Arthur. We can´t let you out with your shoes looking like that.*´” We all laughed.

“Come here, Monica,” Sandy said one day from the window. “I want you to see something.” It was lunchtime, and we were alone. Efficient and easygoing, she was a pretty girl with thick blonde hair and eyes such a startling blue that I used to wonder if she wore shaded contact lenses. She was engaged to be married in spring.

I walked dutifully across to the window and looked down at the street, busy with people and traffic. I was wondering what I was there to see when I saw Ann amidst the crowd, her red coat bright among all the blacks and greys, walking briskly across the street to Pacific Plaza.

“She´s going to Mr. Biernes´s club,” Sandy said. ¨They will sit on one of the big soft couches in the Lounge, have a quick martini. Then they will go the small hotel down the block.¨

I was aghast. My mouth probably fell open. As I say, it was a long time ago.

“Does Mrs. Biernes know?”

“Good heavens, no! She thinks he’s at his club. And he is most days, but once in a while he spends time with Ann.” She gave me a knowing smile.

“But how can you be sure? Maybe they’re just having lunch.”

“Oh, Monica. They´re not ´*just* *having lunch*,´ as you put it. Those hotels – or motels, whatever they are – don´t do lunch. They rent rooms.” She stopped. “And if they were, having lunch, why don´t they just say ´*We´re going to have lunch. See you later.’* I don´t think we would fall off our seats in shock. Instead of which, he leaves at his usual time and she leaves ten or fifteen minutes later and sneaks over to meet him. And we´re all supposed to be fooled.” She went back to her desk. “Look at her face when she comes in, her cheeks. They´re always flushed after she´s been with him. Like a clown.”

“But how can you be so sure?”

“I followed them once.”

“You followed them?”

“Yes, I followed them. It wasn’t difficult. We’re not a detective agency, but we do have that capacity.” She lingered on the last word. “In a way, that’s part of Personal Injury, knowing what people are up to. Sometimes you have to spy on them.”

“Do you know when it started?”

“Probably around the end of summer, when we got the Higgins case. Mrs. Biernes was in Alberta for three weeks.”

*Clara Louise Higgins, Guardian Ad Litem for Thomas Lee Higgins, a minor, vs. Colonial Cabinets, an Ontario corporation, etal,* was a wrongful death suit. Tommy Lee Higgins had died at three years old, in his bedroom, when he pulled open the top drawer of a five-drawer dresser made of particle board by Colonial Cabinets. The dresser fell forward on top of him, crushing him to death instantly. We had been retained by his mother, Clara Louise Higgins, a large noisy widow who had six children, all under 17, leading Ann to observe, “Well, at least she´s still got five of them. One less mouth to feed.”

“What an awful thing to say!” Sandy was aghast.

It was my first job. I liked working in a law office. I liked the routines, the deadlines, the eccentric clients, even the archaic terminology. Typing the first sentence of a Complaint for Damages – ‘*Comes now (John Doe) and alleges’ –* I liked the waya trumpeter in a floppy blue beret would pop into my head, a clarion call to justice. I liked the way Latin popped up all over the place.

I liked standing at the window late on a winter afternoon, as the sky darkened, watching tankers glide sedately into the harbor, watching people hurry home through wet streets, or to meet up with someone for a drink, somewhere warm and dry. I’d picture drivers cocooned in their cars at the crosswalk, windshield wipers sliding back and forth, lighting a cigarette, changing the station, fiddling with the heater.

I even liked the mass of documents Ann and I produced every day, the complaints, petitions, motions, the long sets of interrogatories – ‘*discovery*,’ it’s called – and taking them in their envelopes to the Burrard Street Post Office on my way home.

It was on such an errand that I ran into Mrs. Biernes a few weeks later. I had to file a Motion at the courthouse and decided to combine that with my lunch hour. I was standing at the lipstick counter in *Hudson´s Bay* comparing Max Factor´s *Pink Brandy* with Lancome´s *Le Pink Drama* when a voice said, “Hello, Monica! Fancy seeing you here.” Her serene, heart-shaped face, beneath her exquisitely trimmed blonde hair, looked up at me. (I get my height from my father.) “How is Arthur treating you?”

“Very well,” I smiled carefully. “He’s a pleasure to work for.” I almost said ‘your husband.’ “How are you?”

“I´m fine.” She pointed at one of the little smudges on my hand. “I’d go with that one. Better with your skin color and your brown hair. In fact, I’m on my way to see him at the Club. I don’t like it much, frankly, all those men sitting around in their leather chairs. But I´m rarely in town, so I thought I would surprise him for lunch. What do youthink?” She smiled at me coyly, as though they were newlyweds.

Since that day at the window, I had tried to separate Mr. Biernes into two men, the one who employed me – “Nice work on those Interrogatories, Monica!” – and the other. Ann was a different matter. She had to be taken as a whole. I was careful never again to stand at the window with Sandy at lunchtime waiting for the red coat to appear on the crosswalk below. There were things I could not get my mind around. After a while I stopped trying. It would come.

“I think it’s great idea!” I said. “He will be delighted.”

It was after 2.30 by the time I got back. The door to Mr. Biernes´s office was closed. Sandy was alone.

Everything had been cleared from Ann’s desk. The photo of her Aunt in Florida, the round glass ashtray, the packages of *Marlboro Lites*, the *Nivea* Cream, tins of peppermints, the Penguin version of *Anna Karenina.* All that was left was the typewriter, the telephone, a battered Merriam-Webster dictionary, a stapler, and a big ugly green blotter.

“What happened?”

“She’s gone.”

“*Gone*?”

“Yes, Monica. She’s gone.”

The word hung amid the wooden desks and the swivel chairs and the filing cabinets. The only sound was the purr of Sandy´s machine.

The files she’d been working on had been placed on my desk, next to the Tommy Higgins file, bulging with depositions, medical records, autopsy reports, furniture catalogs, and marked in block capitals on the outside **WRONGFUL DEATH.**

“All it needs is a skull and bones,” Ann had said as she plonked it there that morning.

Sandy turned her machine off and looked at me.

“Mrs. Biernes came into the office. Which she hardly ever does. So I was surprised, and I was all ready to chat. She said *Hello* to me but not a word to Ann. She went straight into his office. She didn´t even knock! Oh, well, she´s his wife.”

“She was in there I don´t know, ten minutes, maybe a little more, It was all very quiet. Ann just went on typing away, a mile a minute. Not a word. Then the door opens, and she comes out. She says Goodbye to me and leaves. Ann was still typing.”

“Then he buzzed Ann, and she went in, all very calm, and I heard voices, I heard them talking. I was at the copy machine when she came out. I heard her going through her desk, opening and shutting drawers, getting her stuff.”

“I didn´t know what to do, Monica. I felt terrible, almost sick. What could I say?”

There was sorrow in those blue eyes. And something else. Things happen, I was starting to understand, and all you can do is hang on.

“Finally, she had all her stuff, she had her coat on and her gloves. She never goes anywhere without her gloves this time of year. ´I’m going,´ she says, standing at my desk. ‘I’m sure you’ve figured that out. You may even have figured out *why*.’ And she gave me such a strange look, you know that blank look she sometimes has, as if there are things she knows that you couldn’t possibly understand. She said, ´I hope everything goes well for you. And Richard. With the wedding. Tell Monica that I’ve enjoyed working with her. She’ll make a good legal secretary.’”

Mr. Biernes didn’t replace Ann, even with a temp. Maybe he thought there was too little time, with the trial impending. Maybe he didn’t want another woman sitting outside his with a baleful gaze, blowing smoke rings, hair piled dangerously on her head. Maybe he thought he would give me a chance.

If he did, I took it. I worked hard. I put in long days. Ann’s words would ring in my ears. “*Don´t forget the Proof of Service, Monica, to all parties. But especially to Jacob B. Herlihy, Esquire, a former alcoholic, as we all know, but a good lawyer just the same.”*

Some nights I was there till 7 or 8. I would drag the plastic cover over Ann´s – now *my –* Selectric and put it to sleep for the night. I’d stop on the way home at a Chinese take-out place on Robson, long gone, and get a carton of *Chop Suey* or *Ginger Beef,* and eat it on the couch while I listened to the news, across from the Murphy bed.

As Joan Didion said – *her* city was New York – “*Was anyone ever so young?”*

One day Mr. Biernes opened his door.

“Monica, have you got the Shiller Subpoena?”

“No, Mr. Biernes. It should be in the file along with the others. They were all issued the same day.”

“Well, it isn’t. I’ve looked.”

“Let me check,” I said, suddenly queasy, following him calmly into his office. “I’m sure it’s in there somewhere.”

Not to sound too Hollywood, but Robert Schiller was our star witness. A retired product engineer, he had done a study two years ago on dressers and the tendency of Colonial Cabinets dressers to lack structural stability and to fall forward when an upper drawer was pulled open – by a lad of three, say – causing injury or death. The study had concluded that Colonial Cabinets had been aware their dressers were defective and continued to manufacture and sell them anyway.

Ann had tracked him down in Charleston, South Carolina, and interviewed him on the phone. His name, address, phone number, qualifications, as well as her typed summary of the interview and a copy of the report, had been paper clipped to the Subpoena.

All of it was gone, the Subpoena, the paperwork, the summary, the report. Everything. It was as if Peter Schiller no longer existed.

Sandy tried to get hold of Ann by phone. Twice she went to her apartment on Beach Street, the second time walking around to the front of the building and peering in through a window. The place looked empty. Mr. Biernes talked with a private investigator friend of his.

It was not, as they say, the end of the world. We had other witnesses, although none as strong as Mr. Schiller. We had a strong case. Juries are sympathetic to little boys when dressers fall on them and kill them, and to their mothers, no matter how many children they have.

But Mr. Biernes faltered. The zest seemed to go out of him. I think he couldn’t quite believe Ann had done this, had chosen this particular act of revenge. He would sit at his grand oak desk in his office and stare out of his window for long periods of time. He began to forget the names of clients. He missed appointments, court appearances. The robust “Good morning, Ladies” began to sound forlorn, all the more so now there were just two of us ladies to hear it. His brush with disaster had come too close.

Jake Herlihy, who represented Colonial Cabinets and was a member of the same Club, probably sensed this. So he offered to settle. When Mr. Biernes emerged from his office onto day after numerous long phone calls and told us the sum they were haggling over, that Tommy’s brief life had been deemed worth, we looked at each other in dismay.

Clara Louise didn’t like it either and left the offices in tears and fury, along with the youngest three of her remaining children, who had spent the time sprawled in front of the small television in the 5th floor Law Library watching *Happy Days*.

As they all shepherded themselves noisily out of the office, the smell of defeat in the air, I pictured Ann, pale and impassive, glancing up from her machine for just a fraction of a second. “*Take it, Clara. It´s the best you will get. And you´ve still got the other five.”*

I stayed another year with Mr. Biernes, and he held on. Then I went to California, and I lived there a long time. But I came back. I missed the smell of the harbor, the tugboats puttering through English Bay at dusk, the damp. People ask me why I left California. Because it’s dull, I tell them.

Now, of course, we have the Women’s Movement, Feminism. Everything is different. Women have more power than before, more freedom, more choices.

A name caught my eye the other day in the *Legal Gazette*. Andrea Biernes is a Municipal Court Judge in Burnaby. There was a photograph of her in her new courtroom, smiling confidently, gavel in hand. She may well be the granddaughter of Mr. and Mrs. Biernes. It is not a common name in these parts and like medicine, law often runs in families. Either way, I am sure Andrea is a fair and competent and hardworking judge. Certainly, she will have more power than I ever had – or Ann with her flying fingers and Marlboro Lights, or Sandy with her watchful eye.

All the same, I hope she keeps a close eye on her husband. Those small acts of rebellion can surprise you. I know. I’ve seen them.